

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASEY LAMAR AUSTIN,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

No. 3:06-CV-53
(Phillips/Guyton)

ORDER

This matter is before the Court on defendant's pro se appeal of the Magistrate Judge's decision [Doc. 28]. The defendant plead guilty to being a felon in possession of a firearm on July 5, 2006. On November 3, 2006, the defendant was sentenced as an armed career criminal and given an imprisonment term of 180 months, followed by three years of supervised release with a special assessment fee of \$100.00 [Doc. 16]. As such, the defendant received a sentence at the bottom end of the guideline range for armed career criminals.

Thereafter, the defendant urged his defense counsel, Paula Voss, to file an appeal on his behalf. After defense counsel advised the defendant that there are no issues for appeal, the defendant then filed pro se motions to appoint counsel for appeal and/or for post conviction relief [Docs. 20 and 22]. The matter was referred to the Magistrate Judge H. Bruce Guyton [Docs. 21 and 23], who issued a memorandum and opinion on May 8, 2007 denying the defendant's pro se motions [Doc. 25]. The defendant now seeks appeal

from that order.

The undersigned now reviews the Magistrate Judge's order under a clearly erroneous standard or contrary to law. See 28 U.S.C. §636(b)(1)(A). After an examination of the record and the applicable law, the Court concludes that the Magistrate Judge has thoroughly and correctly analyzed the issues presented. After carefully reviewing this matter, the Court is in complete agreement with Magistrate Judge Guyton's order, that is, even when liberally construed, the defendant's motions do not state any basis for granting the relief requested and, furthermore, the entire record of this case conclusively demonstrates that the defendant is not entitled to relief under Title 28 United States Code Annotated Section 2255, which provides for the appointment of counsel. Accordingly, defendant's appeal [Doc. 28] is **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge